

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Eighth Legislature
State of Maine

Daily Edition

Second Regular Session

beginning January 3, 2018

beginning at page H-1216

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
SECOND REGULAR SESSION
2nd Legislative Day
Tuesday, January 9, 2018

The Speaker resumed the Chair.
The House met according to adjournment and was called to order by the Speaker.
Prayer by Reverend Maureen Gill, Waterville.
National Anthem by Marcia Gallagher, Hallowell.
Pledge of Allegiance.
Doctor of the day, Charles Pattavina, M.D., Winterport.
The Journal of Wednesday, January 3, 2018 was read and approved.

At this point, the Speaker recognized the Representative from Arundel, Representative PARRY, the Representative from Freeport, Speaker GIDEON, the Representative from York, Representative HYMANSON, the Representative from Gorham, Representative McLEAN, the Representative from Vassalboro, Representative BRADSTREET, the Representative from Dixfield, Representative PICKETT, and the Representative from Auburn, Representative SHEATS, and they were added to the roll call of the Second Regular Session of the 128th Legislature.

SENATE PAPERS

Bill "An Act To Stabilize Vulnerable Families"
(S.P. 658) (L.D. 1771)
Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.
REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Reduce Impairment on the Job and Improve Workplace Safety by Amending the Laws Governing Employment Practices Concerning Substance Use Testing"
(S.P. 655) (L.D. 1768)

Bill "An Act To Conform the Laws Regarding a Salaried Employee Who Is Exempt from Overtime and Minimum Wage Requirements to Federal Law"
(S.P. 656) (L.D. 1769)

Bill "An Act To Revise Laws Regarding Unemployment That Were Amended or Affected by Recently Enacted Legislation" (EMERGENCY)
(S.P. 657) (L.D. 1770)

Bill "An Act To Establish a Study Commission To Examine the Implied Warranty Laws and the Arbitration Process for Those Laws"
(S.P. 659) (L.D. 1772)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.
REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 377)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

December 1, 2017
Fred Hatch
2 State House Station
Augusta, Maine 04333
Dear Fred:
Pursuant to House Rule 201.1 (l) (b), I am pleased to appoint you as Assistant Sergeant-at-Arms for the Second Regular Session of the 128th Legislature, effective December 1, 2017. On behalf of the entire House membership, I would like to wish you well as you carry out your duties and responsibilities.
Sincerely,
S/Sara Gideon
Speaker of the House
READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 375)
STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
WORKING GROUP TO IMPROVE THE
PROVISION OF INDIGENT LEGAL SERVICES

January 2, 2018
Honorable Michael D. Thibodeau
President of the Senate
Honorable Sara Gideon
Speaker of the House
State House
Augusta, Maine 04333
Dear President Thibodeau and Speaker Gideon:
Pursuant to P. L. 2017, chapter 284, Part UUUU, the Working Group to Improve The Provision of Indigent Legal Services is pleased to submit its final report. Copies of the full report have been distributed to committees or individuals as directed by law and copies have been placed on file with the Law and Legislative Reference Library. Others may access the full report on-line through the website of the Office of Policy and Legal Analysis at www.maine.gov/legis/opla.
Sincerely,
S/Senator Lisa Keim
Senate Chair
S/Representative Barbara A. Cardone
House Chair
READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 376)
CHILD WELFARE OMBUDSMAN
P.O. BOX 2057
HOPE, MAINE 04847

January 3, 2018
Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Gideon:
I am pleased to present the fifteenth annual report of the Maine Child Welfare Ombudsman. Our office reports annually to the Governor, the Department, and the Legislature each year

pursuant to 22 M.R.S.A. §4087-A. This report reflects the Fiscal Year from October 1, 2016 through September 30, 2017. I respectfully request that you distribute this report to the members of the Maine House of Representatives.

The Child Welfare Services Ombudsman provides information to callers about Child Welfare Services and referrals to other resources and sources of information. For approximately one fifth of callers, the Ombudsman will open a case for review. The Ombudsman is pleased to report that the Office of Child and Family Services and the Ombudsman continue to have an excellent working relationship as we strive for the common goal of keeping Maine's most vulnerable children safe and helping reunite families involved with Child Welfare.

Please let me know if you have any questions about the report or our program and I would be happy to meet and discuss those or any other issues with you.

Respectfully submitted,

S/Christine Alberi
Ombudsman

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 378)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

January 9, 2018

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On January 4, 2018

Susan H. Wasserott of Woolwich for appointment to the State Civil Service Appeals Board.

Pursuant to Title 5, MRSA §7081, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on State and Local Government.

David R. Ciullo of Springvale for reappointment to the State Civil Service Appeals Board.

Pursuant to Title 5, MRSA §7081, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on State and Local Government.

Dr. Jack L. Waterman of Waldoboro for appointment to the Board of Pesticides Control.

Pursuant to Title 22, MRSA §1471-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Mark P. Dubois of Falmouth and

Susan M. Lessard of Belfast for appointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA §341-C, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

On January 8, 2018

Ande A. Smith of North Yarmouth for reappointment to the State Board of Education.

Pursuant to Title 20-A, MRSA §401, this reappointment is contingent on the Maine Senate confirmation after review by

the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

Under suspension of the rules, members were allowed to remove their jackets.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, Directing the Bureau of Parks and Lands To Transfer Land in the Town of Pittston

(H.P. 1222) (L.D. 1773)

Sponsored by Representative HANLEY of Pittston.

Cosponsored by Senator CUSHING of Penobscot and Representatives: HANINGTON of Lincoln, LYFORD of Eddington, PIERCE of Dresden, REED of Carmel, SANDERSON of Chelsea, WHITE of Washburn.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence.

Bill "An Act To Reduce Child Poverty by Leveraging Investments in Families for Tomorrow"

(H.P. 1223) (L.D. 1774)

Sponsored by Speaker GIDEON of Freeport.

Cosponsored by Senator VOLK of Cumberland and Representatives: DENNO of Cumberland, HANDY of Lewiston, HUBBELL of Bar Harbor, HYMANSON of York, MALABY of Hancock, STEWART of Presque Isle, TALBOT ROSS of Portland, Senator: VITELLI of Sagadahoc.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Resolve, Regarding Medicaid Reimbursement for Rehabilitation Hospitals (EMERGENCY)

(H.P. 1224) (L.D. 1778)

Sponsored by Representative JORGENSEN of Portland.

Cosponsored by Senator DION of Cumberland and Representatives: DENNO of Cumberland, FARNSWORTH of Portland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Increase Safety, Ensure Efficient Operation and Improve Traffic Flow on the Maine Turnpike by Requiring All-electronic Toll Collection at New and Reconstructed Toll Facilities" (EMERGENCY)

(H.P. 1225) (L.D. 1779)

Sponsored by Representative BLUME of York.

Cosponsored by Senator HILL of York and Representatives: ESPLING of New Gloucester, FECTION of Biddeford, HARLOW of Portland, HYMANSON of York, LAWRENCE of Eliot, RILEY of Jay, RYKERSON of Kittery, SANBORN of Portland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **TRANSPORTATION** suggested and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed.

Sent for concurrence.

Pursuant to Statute

Commission on Governmental Ethics and Election Practices

Representative LUCHINI for the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 21-A, section 1124, subsection 4 asks leave to report that the accompanying Bill "An Act To Transfer Funds to the Maine Clean Election Fund To Provide Adequate Funding for Maine Clean Election Fund Candidates"

(H.P. 1226) (L.D. 1780)

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and printed pursuant to Joint Rule 218.

The Report was **READ** and **ACCEPTED**.

On motion of Representative HERBIG of Belfast, **TABLED** pending **REFERENCE** and later today assigned.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The SPEAKER: Before we conclude our business with Supplement No. 1, just one announcement from the Chair. I just want to -- since I was belated in standing here today, I wasn't here last week, I want to just say welcome back to each and every one of you, and to say how much I look forward to working with each and every one of you in 2018, and Happy New Year.

At this point, the Speaker recognized the Representative from Hodgdon, Representative SHERMAN, and the Representative from Hancock, Representative MALABY, and they were added to the roll call of the Second Regular Session of the 128th Legislature.

The following item was taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act To Further Delay the Implementation of Certain Provisions of the Marijuana Legalization Act" (EMERGENCY)

(S.P. 660) (L.D. 1775)

Came from the Senate, **REFERRED** to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** and ordered printed.

REFERRED to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** in concurrence.

Bill "An Act To Establish Requirements for Civil Deputies"

(S.P. 661) (L.D. 1776)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2019"

(S.P. 662) (L.D. 1777)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative BAILEY of Saco, the House adjourned at 10:36 a.m., until 10:00 a.m., Thursday, January 11, 2018, in honor and lasting tribute to Althea Louise Henderson, of Vassalboro.